PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

Application:	10/085,115	Examiner:	Fisher, Michael J.
Filed:	March 3, 2002	Art Unit:	3629
Inventor:	Averitt, et al.	Atty Ref.:	0101555-0507277
Title:	**Automated System for Assisting the Architectural Process**		

Renewed Petition Under 37 CFR 1.137(b)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition for revival of this application. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Additionally, the applicants request that the decision to dismiss the petition to revive the above-identified application filed on January 8, 2008 ("Previously Filed Petition") be withdrawn. In the decision to dismiss the Previously Filed Petition, the Office stated that the Previously Filed Petition lacked the required reply. However, the applicants note that the Previously Filed Petition was filed with a Request for Continued Examination (RCE), which included a submission (reply to the Final Office Action) as required by 37 CFR 1.114. In support of this, a copy of the Previously Filed Petition, with the submission, as well as the fee transmittal and acknowledgement sheet from the Patent Office as filed on January 8, 2008 are included herewith.

In view of the fact that the petition fee was already paid with respect to the Previously Filed Petition, and that the Previously Filed Petition was erroneously dismissed, it is submitted that no additional fees are required for the filing of this Renewed Petition. If that is incorrect, Commissioner of Patents is hereby authorized to charge that additional fee to Frost Brown Todd LLC Deposit Account No. 06-2226.

In addition, applicants encourage the Examiner to contact their representative, William Morriss at (513) 651-6915 or wmorriss@fbtlaw.com, if questions persist.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

John W. Averitt, et al.

By /William Morriss/

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UNITED STATES PATENT AND TRADEMARK OFFICE

Application:	10/085,115	Examiner:	Fisher, Michael J.
Filed:	March 3, 2002	Art Unit:	3629
Inventor:	Averitt, et al.	Atty Ref.:	0101555-0507277
Title:	**Automated System for Assisting the Architectural Process**		

PETITION 37 CFR §1.137(b) TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants petition for revival of this application. The entire delay from the due date in responding to the Final Office Action, dated March 23, 2007, until the filing of this petition was unintentional.

Applicants encourage the Examiner to contact their representative, William Morriss at (513) 651-6915 or wmorriss@fbtlaw.com, if questions persist.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

John W. Averitt, et al.

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PATENT
Customer No. 26874
Attny Doc. No. 0101555.0507277

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	John W. Averitt et al.	:	Paper No:	
Serial No.	10/085,115	:	Group Art Unit:	3629
Filed:	March 1, 2002	:	Examiner:	M. Fisher
For:	AUTOMATED SYSTEM FOR ASSISTING THE ARCHITECTURAL PROCESS			

AMENDMENT AND RESPONSE

Confirmation No. 7222

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action, dated March 23, 2007, please consider the following amendments and remarks.

Amendments begin on page 2 of this paper.

Remarks begin on page 8 of this paper.

AMENDMENT

Amendments to the Claims

1. (Currently Amended) An open-network system for automating an architectural process of creating a plurality of aspects of a contract document comprising:

a graphic user interface for user-selected project-specific features;

at least one attribute information storage means, comprising a database from which a user-selected attribute is identified, each attribute having a unique identifier and data associated with it;

a filter for providing a graphical user interface with filtered data associated with a user-selected attribute;

a user database which stores the unique identifier of the user-selected attribute;

automated selection means for incorporating data associated with the user-selected attribute into the plurality of aspects of said contract document; and

a document generation means for creating the plurality of aspects of the contract document;

wherein the plurality of aspects of the contract document comprises

a) an item enumeration comprising a listing of repetitive building parts ~~a schedule~~; and

b) a technical attribute listing comprising a written detailed description of materials and processes that make up a building ~~a specification~~.

2. (Currently Amended) An open-network system for automating an architectural process of creating a plurality of aspects of a contract document comprising:

data entry means for user-selected project-specific attributes;

at least one attribute information storage means, comprising a database from which the user-selected attribute is identified, each attribute having a unique identifier and data associated with it;

at least one remote attribute information storage means, comprising a database from which the user-selected attribute is identified, each attribute having a unique identifier and data associated with it;

a filter for providing a graphical user interface with filtered data associated with a user-selected attribute;

a user database which stores the unique identifier of the user-selected attribute;

automated selection means for incorporating data associated with the user-selected attribute into said plurality of aspects of said contract document; and

generation means for creating said plurality of aspects of the contract document;

wherein the plurality of aspects of the contract document comprises

a) an item enumeration comprising a listing of repetitive building parts ~~a schedule~~; and

b) a technical attribute listing comprising a written detailed description of materials and processes that make up a building ~~a specification~~.

3. (Previously presented) The open-network system of claim 2, further comprising means for tracking a project.

4. (Currently Amended) An open-network system for automating an architectural process of creating a plurality of aspects of a contract document comprising:

data entry means for user-selected project attributes;

at least one attribute information storage means, comprising a database from which the user-selected attribute is identified, each attribute having a unique identifier and data associated with it;

at least one remote attribute information storage means, comprising a database from which the user-selected attribute is identified, each attribute having a unique identifier and data associated with it;

a filter for providing a graphical user interface with filtered data associated with a user-selected attribute;

a user database which stores the unique identifier of the user-selected attribute;

automated selection means for incorporating data associated with the user-selected attribute into at least one digital file, the digital file comprising data associated with an aspect of said contract document;

generation means for creating the digital file; and

searching means for querying the user database;

wherein the plurality of aspects of the contract document comprises

a) an item enumeration comprising a listing of repetitive building parts ~~a schedule~~; and

b) a technical attribute listing comprising a written detailed description of materials and processes that make up a building ~~a specification~~.

5. (Previously presented) The open-network system of Claim 4, wherein the digital file created by the generation means comprises industry accepted tags.

6. (Currently Amended) An open-network system for automating an architectural process of creating a plurality of aspects of a contract document comprising:

data entry means for user-selected project attributes, the data entry means comprising a graphical user interface having text entry and drop-down menu choices;

at least one attribute information storage means, comprising a database from which the user-selected attribute is identified, each attribute having a unique identifier and data associated with it;

a filter for providing the drop-down menu choices of the graphical user interface with filtered data associated with a user-selected attribute;

a user database which stores the unique identifier of the selected attribute;

automated selection means for incorporating data associated with the selected attribute into said plurality of aspects of said contract document wherein said plurality of aspects comprises an item enumeration comprising a listing of repetitive building parts ~~architectural specification~~, architectural details, and a technical attribute listing comprising a written detailed description of materials and processes that make up a building ~~architectural schedule or architectural project status~~; and

generation means for creating the plurality of aspects of the contract document.

7. (Currently Amended) A method for automating an architectural process of preparing ~~one or more~~ a plurality of aspects of a contract document comprising architectural drawings, an item enumeration aspect ~~a schedule aspect~~ listing attributes of repetitive building parts to be incorporated into a building, and a technical attribute listing describing ~~a specification aspect listing~~ materials and processes selected to construct the building, the method comprising:

maintaining an association between each of a plurality of pieces of selectable design information for a building and a plurality of respective data entry ~~location~~ locations in both ~~one or more of~~ the ~~schedule~~ item enumeration aspect and the ~~specification aspect~~ technical attribute listing;

allowing a user to select an attribute for a building;

in response to a user selection of an attribute of a building, retrieving information associated with the selected attribute and graphically displaying a data entry form populated by the filtered associated information by referencing a unique identifier for each attribute and information associated with said respective unique identifier;

storing user selections of each attribute in a user database; and

generating ~~one or more~~ said plurality of said aspects of said contract document in one or more of a plurality of formats by accessing the association of the ~~one or more aspects~~ plurality of respective data entry locations with stored user selected attributes in the user database.

8. (Currently Amended) The method of claim 7, wherein the data associated with a user selected attribute is associated via the unique identifier with ~~a vector equation~~ a representation equation representing the geometry of the parameterized parts of a drawing, the generating of the document comprising generating a detail aspect based on at least said ~~vector~~ representation equation associated with said selected attribute.

9. (Currently Amended) The method of claim 8, further comprising integrating the ~~vector~~ representation equations into a selected one of a group consisting of a plan view and an elevation view.

10. (Currently Amended) The method of claim 7, further comprising:

a) presenting a human interface for a diagram utility allowing a user to selectively preview and create one or more of said architectural drawings; and

b) automatically creating said one or more architectural drawings using data from said respective data entry locations in said item enumeration aspect and said technical attribute listing.

11. (Currently Amended) The method of claim 7, further comprising:
in response to a user selected attribute accessing a manufacturer catalog page through a browser;
allowing the user to select a catalog item from said manufacturer catalog page; and
generating the item enumeration aspect ~~a schedule aspect~~ of the architectural contract containing data associated with the selected catalog item.

12. (Currently Amended) The method of claim 7 further comprising:
allowing said user to create or edit ~~one or more~~ said plurality of the aspects of said contract document using one or more formats from said plurality of formats.

13. (Previously presented) The method of claim 7 wherein said plurality for formats are selected from a group of formats consisting of:
(a) a spreadsheet;
(b) an Extensible Markup Language (XML);
(c) a Computer aided design (CAD); and
(d) word processing.

14. (Currently Amended) The method of claim 7 wherein allowing said user to edit said ~~specification aspect~~ technical attribute listing of said contract document further comprises: ~~using a text editor~~

a) maintaining a plurality of linkages between aspects of information in said technical attribute listing;

b) using said plurality of linkages, automatically renumbering sections of said technical attribute listing, wherein said sections comprise paragraphs and subparagraphs, based on changes made to said technical attribute listing;

c) allowing said user to use a text editor to edit a final draft of said technical attribute listing, wherein said final draft is created automatically based on said user selections of said each attribute stored in said user database.

15. (Currently Amended) The method of claim 7 wherein at least one piece of design information from said pieces of selectable design information is stored in a selected one of a group consisting of:

(a) ~~a schedule~~ an item enumeration database;

(b) a catalog database;

(c) a drawing database; and

(d) a ~~specification~~ technical attribute listing database.

16. (New) The system of claim 1 wherein the item enumeration consists of a schedule, and wherein the technical attribute listing consists of a specification.

17. (New) The method of claim 7 wherein said item enumeration aspect consists of a schedule, and wherein said technical attribute listing consists of a specification.

18. (New) A computer readable medium having stored thereon a set of computer executable instructions operable to configure a computer to perform the method of claim 17 wherein the schedule indicates to a contractor a type a finish to use for a door, and wherein the specification indicates how the finish should be applied.

REMARKS

In the Final Office Action dated March 23, 2007 ("Final Office Action"), the Examiner rejected claims 1-4, 6, 7, 10-12, 14 and 15 as anticipated by U.S. 6,446,053 ("Elliot"). The Examiner also rejected claims 5, 8, 9 and 13 as being obvious over Elliot. In a response after final, the Applicants pointed out that the rejections of the pending claims based on Elliot were improper for at least the reason that the terms "schedule" and "specification," should be interpreted as having special meanings, and that when the claims with those terms were properly construed, they were clearly not obvious or anticipated by Elliot. In an Advisory Action mailed on October 18, 2007, the Examiner stated that the meanings for "schedule" and "specification" were not apparent from the claims, so those terms would be given their broadest interpretation, not the special meaning from the specification. In response, the Applicants have removed the terms "schedule" and "specification" from the pending claims, and replaced them with specially coined terms which have explicit definitions included in the claims themselves. Below are set forth remarks explaining how those amendments, as well as other limitations, distinguish the pending claims from the art of record.

Aspects of the Contract Document

Each of the independent system claims, claims 1, 2, 4, and 6, is directed to "[a]n open-network system for automating an architectural process of creating a *plurality* of aspects of a contract document" (emphasis added). Further, each of claims 1, 2 and 4 recites

> the plurality of aspects of the contract document comprises
>
> a) an item enumeration comprising a listing of repetitive building parts; and
>
> b) a technical attribute listing comprising a written detailed description of materials and processes that make up a building.

Similarly, claim 6 recites that

> said plurality of aspects of said contract document wherein said plurality of aspects comprises an item enumeration comprising a listing of repetitive building parts, architectural details, and a technical attribute

> listing comprising a written detailed description of materials and processes that make up a building.

Consequently, each of claims 1-6 is novel and unobvious over references which do not teach or suggest automating the architectural process of creating a plurality of aspects of a contract document, where the plurality of aspects comprises an item enumeration and a technical attribute listing.

Similarly, as is recited in claim 7, the pending method claims are directed to:

> A method for automating an architectural process of preparing a plurality of aspects of a contract document comprising architectural drawings, an item enumeration aspect listing attributes of repetitive building parts to be incorporated into a building, and a technical attribute listing describing materials and processes selected to construct the building

Consequently, like claims 1-6, claims 7 and the claims which depend therefrom, are novel and unobvious over references which do not teach or suggest automating the architectural process of preparing a plurality of aspects of a contract document comprising an item enumeration aspect and a technical attribute listing.

Turning now to the prior art, U.S. 6,446,053 ("Elliot"), which was cited as the basis of all art based rejections in the Final Office Action, does not teach or suggest automating the creation of item enumeration and technical attribute listing aspects of a contract document, because Elliot is focused on an entirely different facet of the architectural process. Particularly, Elliot is a "tool that enables owners to accomplish the tasks usually performed by a general contractor." (Elliot, col. 2, ll. 18-20). However, as is set forth in lines 4-15 of page 1 of the Applicants' disclosure, the "contract document," and the aspects thereof, is created by architects and engineers. A tool which enables owners to perform tasks of a general contractor (e.g., preparing cost estimates, and hiring and managing subcontractors, as listed in lines 19-36 of column 1 of Elliot) does not teach or suggest automating the creation of the aspects of a contract document because creation of the "contract document" is completed before a general contractor becomes involved in the architectural process.

An examination of the specific portions of Elliot cited in the Final Office Action as teaching automatic generation of aspects of a contract document confirm that Elliot does not

teach or suggest the automatic generation of the item enumeration and technical attribute listing now recited in the independent claims. The Final Office Action stated that the aspects of the contract document are disclosed in figure 6 of Elliot and that

> table 1, col 7 shows more clearly that the items in fig 6 are a schedule as listed in steps and phases and the steps in each phase delineate the specification of the structure such as "designate and install floor covering", designate and install fire sprinklers or not" and this is further described below the table in col 7, lines 65-66.

However, upon examination, figure 6 of Elliot does not teach automating the process of preparing at least: 1) an aspect of a contract document which comprises a listing of repetitive building parts; and, 2) an aspect of a contract document which comprises a written detailed description of processes and materials that make up a building. Instead, figure 6 of Elliot is "a representation of a display screen including a timeline." Elliot, col. 3, ll. 31-32. Such a timeline does provide a written detailed description of processes and materials that make up a building, nor does it provide a listing of repetitive building parts. Similarly, having reviewed Elliot, the Applicants assert that no other portion of that reference is more relevant than that cited in the Final Office Action. Therefore, the rejections based on Elliot should be withdrawn, because that reference does not teach or suggest automating the process of creating the item enumeration and technical attribute listing which are currently recited in the pending claims.

Additional Distinctions

As the independent claims have been amended to remove the terms "schedule" and "specification," so dependent claim 8, and dependent claim 9 which depends therefrom, have been amended to remove the term "vector equation." In the Advisory Action, the Examiner stated that

> As to the term, "Vector equation", as applicant has noted, it is old and well known in the art, while not exactly the same as a vector equation to an engineer, as it is old and well known in the architectural arts, the rejection of the claims with this limitation is considered proper."

As an initial matter, the Applicants note that the use of a vector equation as was previously recited in claim 8 is not "old and well known" in the art. Rather, the Applicants submit that meaning of a "vector equation" is well known in the art, but that the association of data with a vector equation, and the generation of a detail aspect based on the vector equation, as was recited

in the claims is both novel and non-obvious. However, to avoid further semantic disagreements as to the proper interpretation for the term "vector equation," that term has been removed. Instead of a "vector equation," claim 8 now recites "a representation equation representing the geometry of the parameterized parts of a drawing." Associating data with such a representation equation, and then generating a detail aspect based on that representation equation is clearly not taught or suggested in the prior art, because drawings can be based on sources other than vector equations (e.g., a photograph, as taught in lines 40-42 of col. 5 of Elliot). Similarly, creating architectural drawings based on representation equations associated with data as recited in claim 8 is not rendered obvious by the computer aided design software disclosed in Applicants' application, because there is no teaching or suggestion that that software includes the capability to create detail drawings based on representation equations associated with data. Consequently, the use of representation equations in claims 8 and 9 provides an additional reason why those claims are patentable.

Claims 10 and 14, though not addressed in the Advisory Action, also include limitations which provide further points of distinction over the art of record. Claim 10 recites a step of automatically creating drawings using data from data entry locations in the item enumeration aspect and technical attribute listing of the contract document. That step is not taught or suggested in the prior art because the prior art does not teach or suggest automatically creating one or more architectural drawings based on information from data entry locations in other documents. Similarly, the prior art does not teach or suggest any type of data entry locations into the item enumeration aspect and technical attribute listings of a contract document, and therefore *cannot* teach the particular use for data in those data entry fields (automatically creating one or more architectural drawings) which is recited in claim 10. Further, claim 14 has been amended to recite that allowing a user to edit a technical attribute listing comprises maintaining linkages between information aspects of information in the technical attribute listing, using those linkages to automatically renumber sections of the technical attribute listing, and allowing a user to use a text editor to edit an automatically created final draft of the technical attribute listing. Claim 14 also recites that the final draft is automatically created based on the selection of attributes stored in a user database. Those limitations are not taught or suggested in the prior art because the prior art does not teach or suggest maintaining linkages between aspects of information in a technical

attribute listing, and therefore does not teach or suggest the particular usage for the plurality of linkages (automatically renumbering sections of the technical attribute listing) which is recited in claim 14. Similarly, the prior art does not teach or suggest that a technical attribute listing is created automatically based on user selections of attributes which are stored in a user database. Consequently, even if the rejection of independent claim 7, from which both claims 10 and 14 depend, is not withdrawn, the rejections of claims 10 and 14 should be withdrawn, and those claims should be allowed.

Support for Amendments

Regarding the terms "item enumeration," "technical attribute listing," and "representation equation," the Applicants assert that no new matter is added by the introduction of those terms and submit that support for the amendments to claims 1-6 can be found in at least lines 10-18 of page 2, and line 21 of page 8 of the application as originally filed. Further, the Applicants point out that the use of terms which do not appear in the specification is permissible, because the subject matter of the claims need not be described in the same words in the specification,[1] and because one of ordinary skill in the art would clearly have recognized that the inventors invented what is claimed based on reading the original application.

Regarding the replacement of "one or more" with a "plurality," support for those modifications can be found throughout the application as originally filed, for example, in the discussion of data entry and incorporation on page 5. Support for the amendment to claim 10 regarding creation of a drawing based on information from a data entry location can be found in at least page 8 of the application as originally filed. Support for the amendment to claim 14 regarding maintaining linkages, renumbering sections, and generating aspects of the contract document can be found in at least pages 10, 12 and 14 of the application as originally filed.

Regarding new claims 16-17, those claims are intended to make clear that a technical attribute listing can be synonymous with a specification, and that an item enumeration can be synonymous with a schedule. Claim 18 is intended to provide a further, specific example of an application of a schedule and specification. Support for each of claims 16-18 is found in at least page 2 of the application as originally filed.

CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, William Morriss at (513) 651-6915 or wmorriss@fbtlaw.com.

The claims after amendment stand at 18 total with 5 independent. Since the two extra independent claims have been paid for in a previous action, no claim fees are due. However, if necessary, the Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

John W. Averitt et al.

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[1] MPEP § 2163.02.

Electronic Patent Application Fee Transmittal

Application Number:	10085115
Filing Date:	01-Mar-2002
Title of Invention:	Automated system for assisting the architectural process
First Named Inventor/Applicant Name:	John W. Averitt
Filer:	William S. Morriss/Merry Jo Kerekes
Attorney Docket Number:	0101555.0507277
Filed as Large Entity	

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Petition-revive unintent. abandoned appl	1453	1	1540	1540
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for continued examination	1801	1	810	810
		Total in USD ($)		**2350**

Electronic Acknowledgement Receipt

EFS ID:	2686668
Application Number:	10085115
International Application Number:	
Confirmation Number:	7222
Title of Invention:	Automated system for assisting the architectural process
First Named Inventor/Applicant Name:	John W. Averitt
Customer Number:	26874
Filer:	William S. Morriss/Merry Jo Kerekes
Filer Authorized By:	William S. Morriss
Attorney Docket Number:	0101555.0507277
Receipt Date:	08-JAN-2008
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

1	Request for Continued Examination (RCE)	Application10085115.pdf	30099 dbc81cea9839fd218d60ad84ef9651d900d82bdc	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Amendment After Final	Amendment10085115.pdf	574341 0fa343d66c605a23df44e82545d1a0415445b816	no	13
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8329 5dd409cce4867882071f3e22633cd2dd348cc6c	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	612769		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.